

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	Chapter 11
BOY SCOUTS OF AMERICA and	)	
DELAWARE BSA, LLC, <i>et al.</i> ,	)	Case No. 20-10343 (LSS)
	)	(Jointly Administered)
Debtors.	)	
KRAUSE & KINSMAN, WOLF, RIFKIN,	)	
SHAPIRO, SCHULMAN & RABKIN,	)	
LLP, JAMES HARRIS LAW, PLLC,	)	
ANDREOZZI & FOOTE, P.C., BABIN	)	
LAW, LLC, DAVIS BETHUNE &	)	
JONES,	)	
	)	
Appellants,	)	Civil Action No. 21-cv-1778 (RGA)
v.	)	
	)	
CENTURY INDEMNITY CO.,	)	
and VERUS, LLC,	)	
	)	
Appellees.	)	

**RESPONSE OF APPELLANTS WITH RESPECT TO THE COURT'S  
SEPTEMBER 30, 2022 ORDER REQUESTING A POSITION STATEMENT**

Dated: October 5, 2022

Jonathan L. Hilton (0095742)  
HILTON PARKER LLC  
7544 Slate Ridge Blvd.  
Reynoldsburg, OH 43068  
Telephone: (614) 992-2277  
Facsimile: (614) 927-5980

and

Amy D. Brown (4077)  
GELLERT SCALI BUSENKELL & BROWN  
1201 North Orange Street, Suite 300  
Wilmington, DE 19802  
Telephone: (302) 416-3357  
E-mail: abrown@gsbblaw.com

*Counsel for Appellants*

This appeal arises from the Bankruptcy Court’s December 6, 2021 order requiring independent contractor Verus, LLC (“Verus”) to turn over documents to Century Indemnity Company (“Century”). Century had subpoenaed Verus for communications and other information relating to the preparation of legal claims for sexual abuse survivors. Appellants are law firms that assert attorney-client privilege and work product doctrine over those materials.

Century has, by now, settled its liability. And on September 7, 2022, the Bankruptcy Court entered over 500 pages of findings of fact and conclusions of law, confirming the Boy Scouts’ Chapter 11 reorganization plan. If Century would just release Verus, LLC from the subpoena at issue, Century could moot this appeal.

To date, however, Century has not sent over such a release. Technically, pursuant to the parties’ settlement below, it isn’t required to do so until the Boy Scouts’ bankruptcy proceeding is resolved. While the reorganization plan has been confirmed, various insurers have appealed that confirmation. *See, e.g.*, Case No. 20-10343-LLS, Dkt. 10391 (Liberty Mutual Insurance Company’s Notice of Appeal).

Given that the subpoena at issue hasn’t been released, Appellants take the position that this appeal is not (yet) moot for Article III purposes. That being said, Appellants do not view a prompt determination of this appeal as crucial, and they would consent to a stay of the appeal while the last hurdles are resolved. Soon enough, this appeal will (hopefully) be mooted by a full and final resolution of the entire bankruptcy proceeding.

Dated: October 5, 2022

Respectfully Submitted,

*By: /s/ Jonathan Hilton*  
\_\_\_\_\_  
Jonathan Hilton (0095742)  
HILTON PARKER LLC  
7544 Slate Ridge Blvd.  
Reynoldsburg, OH 43068  
Tel: (614) 992-2277  
Fax: (614) 927-5980  
jhilton@hiltonparker.com

*/s/ Amy D. Brown*  
\_\_\_\_\_  
Amy D. Brown (4077)  
GELLERT SCALI BUSENKELL & BROWN  
1201 North Orange Street, Suite 300  
Wilmington, DE 19802  
Telephone: (302) 416-3357  
E-mail: abrown@gsbblaw.com

*Attorneys for the Appellants*